IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Bail Appl..No. 4136 of 2007()

CMP.4276/2007 of J.M.F.C.-II,KOTTARAKKARA
CRIME NO.112/2007 OF CHADAYAMANGALAM POLICE STATION

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PETITIONER/ACCUSED NO.2

SAJEEV @ SHAMNADH, S/O.ADBUL KARIM,
FATHIMA MANZIL, PALLIMUKKU, KURIYODE FROM
MANNARA KIZHAKATHIL, KUNNUMPURAM, KURIYODE,
CHADAYAMANGALAM, KOTTARAKKARA.

BY ADV. SRI.ALEXANDER GEORGE
SRI.DILIP MOHAN

RESPONDENTS: COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY
ITS DIRECTOR OF PUBLIC PROSECUTION,
HIGH COURT OF KERALA, ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
CHADAYAMANGALAM POLICE STATION,
KOLLAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON 09/07/2007 PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4136 of 2007

Dated this the 10th day of July 2007

O R D E R

Application for regular bail. The petitioner is the second accused. He is named in the F.I.R as such. The crux of the allegations is that the de facto complainant, who was riding a motor cycle, was intercepted by a group of miscreants including the petitioner who came in a vehicle, attacked him and robbed him of an amount of Rs.2,700/-. The petitioner was arrested on 24/05/2007. The petitioner and the first accused are named in the F.I.R. The first accused has already been arrested and enlarged on bail. The petitioner continues in custody from 24/5/2007.

2. The learned counsel for the petitioner submits that the investigation is now complete. The final report has already been filed and there is no justification insisting on continued detention of the petitioner. In these circumstances, it is prayed that the petitioner may now be enlarged on bail subject to appropriate conditions. Of course, the petitioner has a contention that there is some dispute between the accused persons and the defacto complainant about sale of a motor cycle.

3. The learned Public Prosecutor, in the facts and circumstances of this case, does not want to oppose the application for bail. He only prays that appropriate and strict conditions may be

imposed. To a pointed query of this court, it is confirmed that the chargesheet has already been filed. According to the learned Public Prosecutor, the police have no information about any dispute regarding the vehicle between the accused and the defacto complainant. It is also conceded specifically by the learned Public Prosecutor that the prosecution does not have a case at present that the petitioner is involved in any other crime.

4. Taking all the relevant inputs into account, I am satisfied that the petitioner can be granted bail subject to appropriate terms and conditions.

5. In the result, this petition is allowed. The petitioner shall be released on bail on the following terms and conditions:

i) He shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioner shall report before the investigating officer between 5 p.m and 6 p.m on the first Mondays of all English calender months until the case against him is finally disposed of.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007